



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 27 2014

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John C. Spinrad  
Arnall Golden Gregory LLP  
171 17<sup>th</sup> Street, N.W.  
Suite 2100  
Atlanta, Georgia 30363

Re: Intonu, LLC  
Consent Agreement and Final Order, Docket Number: RCRA-04-2014-4006(b)

Dear Mr. Spinrad:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. The CA/FO was effective upon filing with the RHC and payment of the \$81,400.00 civil penalty is due within thirty (30) calendar days of the effective date of the CA/FO.

As a reminder, copies of any payments should be submitted to both of the following individuals:

Patricia Bullock  
Regional Hearing Clerk  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

And to:

Larry Lamberth  
Chief, South Compliance and Enforcement Section  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Also enclosed is a copy of a document titled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts Intonu, LLC on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental actions taken by the U.S. Environmental Protection Agency.

If you have any questions, please feel free to contact Joan Redleaf Durbin, Associate Regional Counsel, at (404) 562-9544.

Sincerely,

A handwritten signature in black ink, appearing to read "César Zapata", with a stylized flourish extending to the right.

César Zapata  
Chief, RCRA and OPA Enforcement and  
Compliance Branch  
RCRA Division

Enclosures

cc: W. John Marynowski, Owner/Member, Intonu, LLC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF: )  
)  
Intonu, LLC )  
5225 Phillip Lee Drive )  
Atlanta, Georgia 30336 )  
)  
EPA ID No.: GAD 000 143 636 )  
)  
RESPONDENT )  
)  
)  
)  
\_\_\_\_\_ )

Docket Number: RCRA-04-2014-4006(b)  
Proceeding under Section 3008(a) of the  
Resource Conservation and Recovery Act  
42 U.S.C. § 6928(a)

RECEIVED  
EPA REGION IV  
2014 JUN 27 AM 7:49  
HEARING CLERK

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Sections 12-8-60 through 12-8-83 of the Georgia Hazardous Waste Management Act (“GHWMA”), GA. CODE ANN. § 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and Georgia Hazardous Waste Management Rules (“GHWMR”), codified at GA. COMP. R. AND REGS. r. 391-3-11-.01 through 391-3-11-.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of GA. CODE ANN. § 12-8-66(a) [Section 3005 of RCRA, 42 U.S.C. § 6925] and GA. COMP. R. AND REGS. 391-3-11-.02, .07-.11, .17, and .18 [40 C.F.R. Parts 260 through 270, 273, & 279].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

**II. THE PARTIES**

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA). Complainant is

authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

5. Respondent is Intonu, LLC, a Limited Liability Corporation organized under the laws of the State of Georgia (State). Respondent is the owner and operator of a scrap metal recycling business located at 5225 Phillip Lee Drive, Atlanta, Georgia (the facility).

### III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized state program are found at Sections 12-8-60 through 12-8-83 of the GHWMA, GA. CODE ANN. § 12-8-60 et seq.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 12-8-64(1)(A) of the GHWMA, GA. CODE ANN. § 12-8-64(1)(A) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found in GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, GA. CODE ANN. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found GA. COMP. R. AND REGS. 391-3-11-.10(2) (permitted) and GA. COMP. R. AND REGS. 391.3-11-.10(1) (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

14. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “generator” is defined as “any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter [40 C.F.R. Part 261] or whose act first causes a hazardous waste to become subject to regulation.”
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “facility” includes “all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.”
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, municipality, commission, or political subdivision or any agency, board, department or bureau of a state or the federal government.
18. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], an “owner” is “the person who owns a facility or part of a facility” and an “operator” is “the person responsible for the overall operation of a facility.”
19. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “hazardous waste” is “any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 2010, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste.”
20. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “used oil” is “any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.”
21. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “universal waste” includes batteries, pesticides, mercury containing equipment, and lamps as described in GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. Part 273].
22. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.5], a Conditionally Exempt Small Quantity Generator (CESQG) is an entity that generates in a calendar month no more than 100 kilograms of hazardous waste or hazardous waste cleanup residue or 1 kilogram of acute hazardous waste listed in GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. §§ 261.31, 261.32, 261.33(e)].
23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.5(g)], a CESQG is not required to obtain a permit or interim status to treat, store, or dispose of hazardous waste provided it complies with the management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.5(g)] (hereinafter referred to as the “CESQG Permit Exemption”).

24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. § 262.11], which is a condition of the CESQG Permit Exemption, a CESQG who generates a solid waste, as defined in GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. § 262.11].
25. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07 [40 C.F.R. § 261.5(g)(3)], which is a condition of the CESQG Permit Exemption, a CESQG must either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility.
26. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.9], a Universal Waste Handler is a generator of universal waste.
27. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.9], a Large Quantity Handler of Universal Waste (LQHUU) means a Universal Waste Handler who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
28. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.32(a)(1)], a LGHUW must have sent written notification of universal waste management to the Georgia Environmental Protection Division (GAEPD), and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
29. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.33(a)], a LGHUW must manage universal waste batteries in a way that prevents releases of any universal waste to the environment.
30. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.33(d)(1)], a LGHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing lamps in closed containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
31. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.34(a)], a LGHUW must label or mark each universal waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
32. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.34(e)], a LGHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."
33. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.35(c)], a LQHUU may accumulate universal waste no longer than one year and must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

34. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.17 [40 C.F.R. § 279.22(d)(3)], upon detection of a release of used oil to the environment, a generator must clean up and manage properly the released used oil and other materials.

#### IV. EPA ALLEGATIONS AND DETERMINATIONS

35. Respondent is a “person” within the meaning of GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10].
36. The EPA alleges that Respondent is the “owner/operator” of a “facility” located at 5225 Phillip Lee Drive, Atlanta, Georgia, as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10].
37. Respondent operates a scrap metal recycling facility. The facility accepts ferrous and nonferrous metals from local business and individuals. The scrap metal is sorted and sold in bulk. Some of the materials accepted by the facility include iron, aluminum, copper, brass, silver, lead, lead acid batteries, and electronic waste.
38. The EPA alleges that Respondent is a “generator” of “hazardous waste” as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. §§ 260.10 and 261.3].
39. On December 12, 2011, representatives of the EPA performed a compliance evaluation inspection (CEI) of the Respondent’s facility.
40. At the time of the CEI, the EPA alleges that Respondent had not made hazardous waste determinations on leaking spent lead acid batteries stored in the facility’s warehouse, a broken spent lead acid battery on the ground in the facility’s Ferrous Area, and gasoline on the ground in the facility’s ferrous area.
41. The EPA therefore alleges that the Respondent violated GA. CODE ANN. § 12-8-66 [Section 3005(a) of RCRA, 42 U.S.C. § 6925] by disposing of hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the CESQG Permit Exemption set forth in GA. COMP. R. AND REGS. 391-3-11-.07 [40 C.F.R. § 261.5], by not complying with the hazardous waste determination requirements of GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. § 262.11].
42. At the time of the CEI, the EPA representatives allegedly observed a broken spent lead acid battery and gasoline on the ground in the facility’s Ferrous Area.
43. The EPA therefore alleges that the Respondent violated GA. CODE ANN. § 12-8-66 [Section 3005(a) of RCRA, 42 U.S.C. § 6925] by disposing of hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the CESQG Permit Exemption set forth in GA. COMP. R. AND REGS. 391-3-11-.07 [40 C.F.R. § 261.5], by not complying with the treatment, storage, and disposal requirements of GA. COMP. R. AND REGS. 391-3-11-.07 [40 C.F.R. § 261.5(g)(3)].
44. As a result of universal waste storage practices and operations at the facility, at the time of the CEI, the EPA alleges that Respondent was a LQHUW.

45. At the time of the CEI, the EPA alleges that Respondent had accumulated in excess of 5,000 kilograms of universal waste at the facility, had not notified the Director of the GAEPD, and had not received a GAEPD Identification Number.
46. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.32(a)(1)], by failing to have sent written notification of universal waste management to the GAEPD, and to have received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
47. At the time of the CEI, the EPA representatives allegedly observed numerous spent lead acid batteries with breached casings in the facility's Warehouse near the receiving bay, in the facility's Warehouse in the battery storage area, and in the facility's Ferrous Area on the ground.
48. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.33(a)], for failing to manage universal waste batteries in a way that prevents releases of any universal waste to the environment.
49. At the time of the CEI, the EPA representatives observed an open container allegedly holding universal waste lamps in the facility's warehouse maintenance area and an improperly contained broken fluorescent lamp in the solid waste roll off dumpster.
50. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.33(d)(1)], by failing to manage universal waste lamps in closed containers in a way that prevents releases of any universal waste to the environment.
51. At the time of the CEI, the EPA representatives allegedly observed universal waste batteries which were not labeled or marked with the words "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
52. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.34(a)], for failing to label or mark each universal waste battery or container or tank in which the batteries are contained clearly with the words "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
53. At the time of the CEI, the EPA representatives observed an unlabeled container allegedly holding universal waste lamps in the facility's Warehouse maintenance area.
54. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.34(e)], by failing to label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."
55. At the time of the CEI, the EPA representatives observed alleged universal waste batteries and lamps, which the Respondent was unable to demonstrate the length of time that the universal waste became a waste or was received.
56. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 [40 C.F.R. § 273.35(c)], by failing to demonstrate the length of time that the facility's universal waste had been accumulated from the date that the universal waste became a waste or was received.

57. At the time of the CEI, the EPA representatives observed alleged used oil collected in puddles on the ground in the facility's Ferrous Area.
58. The EPA therefore alleges that the Respondent violated GA. COMP. R. AND REGS. 391-3-11-.17 [40 C.F.R. § 279.22(d)(3)], by failing to clean up and properly manage used oil releases upon detection.

## V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations and for purposes of settlement, the parties agree to the following:

59. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
60. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
61. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying this Consent Agreement.
62. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
63. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
64. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
65. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
66. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
67. The parties agree that compliance with the terms of this CA/FO shall resolve and settle the violations alleged and the facts stipulated to in this CA/FO.
68. Each party will pay its own costs and attorneys' fees.

## VI. PAYMENT OF CIVIL PENALTY

69. Respondent consents to the payment of a civil penalty in the amount of **EIGHTY-ONE THOUSAND FOUR HUNDRED DOLLARS** (\$81,400.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
70. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency  
**Fines and Penalties**  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank  
Government Lockbox 979077  
**U.S. EPA Fines & Penalties**  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
(314) 418-1028

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury facility:  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contact: John Schmid, (202) 874-7026  
REX (Remittance Express): 1-866-234-5681

71. Respondent shall submit a copy of the payment to the following addresses:

Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

And to:

Larry Lamberth, Chief  
South Compliance and Enforcement Section  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division, US EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909  
(404) 562-8590

72. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
  - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
  - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment

became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

73. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

#### **VII. PARTIES BOUND**

74. This CA/FO shall be binding on the EPA and Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
75. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
76. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

#### **VIII. RESERVATION OF RIGHTS**

77. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health or the environment.
78. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
79. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

#### **IX. OTHER APPLICABLE LAWS**

80. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

Naeha Dixit  
Associate Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9441

82. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

W. John Marynowski  
Owner/Member  
Intonu, LLC  
5225 Phillip Lee Drive  
Atlanta, Georgia 30336

John C. Spinrad, Esq.  
Arnall Golden Gregory LLP  
171 17th Street, NW  
Suite 2100  
Atlanta, Georgia 30363  
(404) 873-8666

#### **XI. SEVERABILITY**

83. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

[CONTINUED ON TO NEXT PAGE]

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	Docket Number: RCRA-04-2014-4006(b)
	)	
Intonu, LLC	)	Proceeding under Section 3008(a) of the
5225 Phillip Lee Drive	)	Resource Conservation and Recovery Act,
Atlanta, Georgia 30336	)	42 U.S.C. § 6928(a)
	)	
EPA ID No.: GAD 000 143 636	)	
	)	
RESPONDENT	)	
	)	
_____	)	

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**BEING AGREED, IT IS SO ORDERED** this 26 day of June, 2014.

BY: Susan B. Schub  
Susan B. Schub  
Regional Judicial Officer  
EPA Region 4

Consent Agreement and the attached Final Order (CRAFO), in the Matter of Intonu, LLC, Docket  
Number: RCRA-04-2014-4006(b), and have served the parties listed below in the manner indicated:

Naeha Dixit  
Associate Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

W. John Marynowski  
Owner/Member  
Intonu, LLC  
5225 Phillip Lee Drive  
Atlanta, Georgia 30336

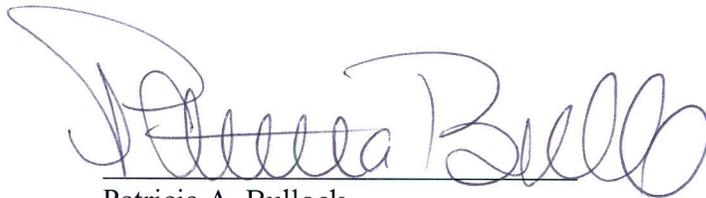
(Via Certified Mail - Return Receipt  
Requested)

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(Via Electronic Mail and  
Certified Mail –  
Return Receipt Requested)

Date:

6-27-14



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
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